

REMARKS

This Request for Reconsideration is offered in response to the Office Action of January 24, 2006.

The Office Action provisionally rejected Claims 34-46 under the doctrine of obviousness-type double patenting over Claims 34-42 of application serial no. 10/208,494 in view of the Herber reference (U.S. Patent No. 5,519,982). Applicants will file a terminal disclaimer, if necessary, after the claims are otherwise in condition for allowance.

The Office Action rejected Claims 34-46 under 35 U.S.C. §103(a) as being obvious over the Herber reference in view of the Gilbert reference (United Kingdom Patent Application No. 2,085,519) or, alternatively, the Gilbert reference in view of the Herber reference.

The Herber reference discloses a zipper structure wherein the entire base of the profile is sealed to the bag walls. This is quite different from the present pending claim language which recites sealing a first portion of the flanges to the opposing bag walls and a second portion of the flanges being free of sealing to the opposing bag walls. This is required to make the claimed slider functional. With a structure such as is disclosed in the Herber reference, the sliders would not be functional and the zipper profile would not be operational with the Gilbert reference. There is no teaching in either cited reference or in the prior art which would lead one of average skill in the art to combine these two references.

It is therefore respectfully submitted that the rejection (including the alternative rejection) under 35 U.S.C. §103(a) is overcome.

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to allow this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a stylized, sweeping flourish extending from the end.

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